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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,525	08/19/2003	Candace Paine	65898/3	4488

1912 7590 01/28/2005

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90 PARK AVENUE
NEW YORK, NY 10016

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,525

Applicant(s)

PAINE, CANDACE

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/12/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the final Office Action for the serial number 10/643,525, REVERSIBLE PLATE HOLDER, filed on 8/19/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 2,483,166 to Amberg.

Amberg teaches a holder comprising an annulus (figure 2) having axially spaced top (12) and bottom (10) edges of diameter D1 and D2 respectively and a neck part (located in immediate of top and bottom edges) of diameter D3 axially between the top and bottom parts. The D1 is greater than D2 and D2 is greater than D3. The top part has inner wall surfaces that define a truncated top cone (figure 1). The bottom part has inner wall surfaces that define an inverted truncated bottom cone generally coaxial with the top cone. Each of the conical recesses the inner wall surfaces defining a substantially uninterrupted conical shape from the neck to the top and bottom surface respectively.

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Amberg teaches all elements above but fails the holder is reversible. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have rotated the bottom edge to top and the top edge to bottom to provide support for supporting a smaller object thereon.

In regard to claims 2 and 6, Amberg teaches the top, bottom and neck parts defining a single cylindrical tube but fails to show that the cylindrical tube having generally uniform wall thickness, however in figure 5 of Amberg which is a different embodiment, shows that the cylindrical tube having generally uniform wall thickness. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Amberg's figure 1 with figure 5 to provide smooth surface in the cylindrical tube wall.

Claims 7 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of US Patent # 5,979,361 to Willinger.

Amberg teaches the annulus but fails to teach the annulus comprises injection molded plastic. Willinger teaches the annulus comprising injection molded plastic (claim 6, line 3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Amberg's annulus with injection molded plastic as taught by Willinger to reduce cost in the manufacturing process.

In regard to claim 20, Amberg teaches the inner wall of top and bottom conical recesses but fails to teach the top and bottom conical recesses having a layer of sticky material. Willinger

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teaches the sticky material (18). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the sticky material to Amberg's inner wall of top and bottom conical recesses to increase friction for an object to retained therein.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of US Patent # 6,484,989 to Connery.

Amberg teaches a holder comprising an annulus (figure 2) having axially spaced top (12) and bottom (10) edges of diameter D1 and D2 respectively and a neck part (located in immediate of top and bottom edges) of diameter D3 axially between the top and bottom parts. The D1 is greater than D2 and D2 is greater than D3. The top part has inner wall surfaces that define a truncated top cone (figure 1). The bottom part has inner wall surfaces that define an inverted truncated bottom cone generally coaxial with the top cone. Each of the conical recesses the inner wall surfaces defining a substantially uninterrupted conical shape from the neck to the top and bottom surface respectively.

Amberg teaches all elements above but fails to teach the holder further includes a base for supporting the holder. Connery teaches a rectangular base (700) having circular opening (720) for supporting the holder. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added base to Amberg's holder as taught by Connery to provide additional protection to prevent the holder from slipping over.

Response to Arguments

Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive.

The applicant argues that "Amberg holder is not intended to be inverted and if inverted will not function as a paper plate holder." Amberg has the ability of inverting the holder because both ends, top and bottom ends, are formed as circular base and that holder can be supported by either side (top or bottom ends). The top and bottom ends and neck have an opening space therein to develop hollow in the holder and that when the bottom end is facing up and the top is facing on the floor, the paper plate holder can be inserted in the bottom end through neck and the top end. The recess wall in the bottom end has the potential of supporting the side of cup.

With respect to applicant's argument on page 9, stating that Connery does not teach "comprised of a base" but teaches "comprising a base for supporting a holder". The examiner disagrees with the applicant because "comprised of a base" and "comprising a base for supporting a holder", mean the same thing because they contain "base". "For supporting a holder" is a functional language, which means the base has the capable of supporting a holder and that it is not limited to holder.

The applicant inserted amended language, "each of the conical recesses the inner wall surfaces defining a substantially uninterrupted conical shape from the neck to the top and bottom surface respectively" believes it would distinguish over Amberg. The examiner disagrees with the applicant because element (34) is made of resilient leaf (spring) and that when an object is inserted therein, it creates "uninterrupted conical shape from the neck to the top and bottom surface." When the object is inside of the neck, the edge of object will move the resilient leaf to

the neck's conical recess and this is considered as "uninterrupted conical shape from the neck to the top and bottom surface respectively."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632 *AW*

1/13/05


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER